

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|------------------------------|---|--------------------------------|
| STATE OF WASHINGTON, et al., |) | No. 2:18-cv-1115-RSL |
| Plaintiffs, |) | |
| v. |) | FEDERAL DEFENDANTS’ |
| UNITED STATES DEPARTMENT OF |) | ANSWER TO FIRST AMENDED |
| STATE, et al., |) | COMPLAINT FOR |
| Defendants. |) | DECLARATORY AND |
| |) | INJUNCTIVE RELIEF |

Defendants United States Department of State; Michael R. Pompeo, in his official capacity as Secretary of State; Directorate of Defense Trade Controls; Michael Miller, in his official capacity, exercising the delegated authorities of the Deputy Assistant Secretary of Defense Trade Controls; and Sarah Heidema, in her official capacity as Director, Office of Defense Trade Controls Policy (hereinafter “Federal Defendants”), hereby answer Plaintiffs’ First Amended Complaint for Declaratory and Injunctive Relief, ECF No. 29 (“Amended Complaint”).

The portion of the Amended Complaint preceding the first numbered paragraph consists of Plaintiffs’ characterization of the Amended Complaint, not allegations of fact to which a response is required.

1. The first and second sentence, including footnote 1, consist of Plaintiffs’ characterization of the Amended Complaint, not allegations of fact to which a response is required. As to the third sentence, admit only that the files at issue here could be used by individuals with the appropriate printer, materials, and knowledge to create certain firearms, including, potentially, in a manner that violates State or Federal law. The fourth sentence consists of conclusions of law, not allegations of fact to which a response is required; to the extent a response is deemed required, deny. The fifth sentence consists of conclusions of law, not allegations of fact to which a response is required; to the extent a response is deemed required, admit. The sixth sentence consists of Plaintiffs’ characterization of certain filings made in *Defense Distributed v. U.S. Dep’t of State*, 1:15-CV-372 RP (W.D. Tex.), to which Defendants respectfully refer the Court for a full and complete statement of their contents; to the extent a response is deemed required, admit that Plaintiffs have accurately quoted from such filings.

2. The first and third sentences consist of Plaintiffs’ characterization of the settlement agreement in *Defense Distributed v. U.S. Dep’t of State*, 1:15-CV-372 RP (W.D. Tex.) (hereinafter the “Settlement Agreement”), to which Federal Defendants respectfully refer the Court for a full and complete statement of its contents; to the extent responses are deemed required, deny the first sentence and deny the third sentence as an incomplete characterization of Federal Defendants’ Answer to First Am. Compl.

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1 the Settlement Agreement. Federal Defendants lack knowledge or information sufficient to form
2 a belief as to the truth of the allegations in the second sentence.

3 3. This paragraph consists of Plaintiffs' characterization of the "Temporary
4 Modification of Category I of the United States Munitions List" published on the State
5 Department's web site on July 27, 2018 (hereinafter the "Temporary Modification"); Federal
6 Defendants respectfully refer the Court to the Temporary Modification for a full and complete
7 statement of its contents. To the extent a response is deemed required, deny the first sentence as
8 an inaccurate characterization and admit the second sentence.

9 4. The first sentence consists of Plaintiffs' characterization of the Temporary
10 Modification; Federal Defendants respectfully refer the Court to the Temporary Modification for
11 a full and complete statement of its contents. Federal Defendants lack knowledge or information
12 sufficient to form a belief as to the truth of the allegations in the second sentence. Insofar as the
13 phrase "practically speaking, irretrievable" is undefined and vague, Defendants lack knowledge
14 or information sufficient to admit or deny the allegations of the third sentence.

15 5. Federal Defendants lack knowledge or information sufficient to form a belief as
16 to the truth of the allegations in this paragraph, with the exception of footnote 2, which
17 Defendants admit.

18 6. This paragraph consists of Plaintiffs' characterization of a *Wired* article, cited in
19 footnote 3, to which Federal Defendants respectfully refer the Court for a full and complete
20 statement of its contents. To the extent a response is deemed required, admit that Plaintiffs have
21 accurately quoted from the *Wired* article.

22 7. This paragraph consists of legal conclusions, not allegations of fact to which a
23 response is required. To the extent that a response is deemed required, denied.

24 8. The first sentence consists of legal conclusions, not allegations of fact to which a
25 response is required; to the extent that a response is deemed required, Defendants lack knowledge
26 or information sufficient to admit or deny what Plaintiffs find "especially troubling." The second
27 sentence consists of Plaintiffs' characterization of the Temporary Modification, to which
Federal Defendants' Answer to First Am. Compl.

1 Defendants respectfully refer the Court for a full and complete statement of its contents. To the
2 extent that a response is deemed required, admit that the Temporary Modification would apply
3 to certain files not yet developed.

4 9. The first sentence consists of legal conclusions, not allegations of fact to which a
5 response is required; to the extent that a response is deemed required, denied. Deny the second
6 sentence.

7 10. This paragraph consists of Plaintiffs' characterization of certain notices of
8 proposed rulemaking published in the Federal Register, to which Federal Defendants respectfully
9 refer the Court for a full and complete statement of their contents. To the extent that a response
10 is deemed required, admit that the notices of proposed rulemaking do not explicitly address the
11 possibility of the files "falling into the hands of terrorist organizations, insurgent groups,
12 transnational organized criminal organizations, or countries subject to the U.S. or U.N. arms
13 embargoes."

14 11. Deny.

15 12. The first sentence consists of conclusions of law, not allegations of fact to which
16 a response is required; to the extent that a response is deemed required, denied. The second
17 sentence consists of a request for relief, to which no response is required; to the extent that a
18 response is deemed required, Federal Defendants deny that Plaintiffs are entitled this relief or
19 any relief whatsoever.

20 13. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, deny that the Court has
22 subject matter jurisdiction.

23 14. This paragraph consists of conclusions of law, not allegations of fact to which a
24 response is required. To the extent that a response is deemed required, admit only that venue is
25 proper in this Court because the State of Washington is located here, and otherwise deny.

26 15. The first sentence consists of conclusions of law, not allegations of fact to which
27 a response is required; to the extent that a response is deemed required, admit. Deny the second

1 sentence. The third sentence consists of conclusions of law, not allegations of fact to which
2 a response is required; to the extent that a response is deemed required, deny. The fourth sentence
3 consists of Plaintiffs' characterization of the Amended Complaint, not allegations of fact to which
4 a response is required.

5 16. The first sentence consists of conclusions of law, not allegations of fact to which
6 a response is required; to the extent that a response is deemed required, admit that the States have
7 such an interest but deny that it gives rise to standing here. The second and third sentences
8 consist of Plaintiffs' quotation of a Supreme Court decision, to which Defendants respectfully
9 refer the Court for a full and complete statement of its contents; to the extent a response is deemed
10 required, admit that Plaintiffs have accurately quoted from that decision. The fourth sentence
11 consists of conclusions of law, not allegations of fact to which a response is required; to the extent
12 that a response is deemed required, admit that the regulation of firearms is among the police
13 powers of the States.

14 17. The first sentence consists of conclusions of law, not allegations of fact to which
15 a response is required; to the extent that a response is deemed required, denied. Deny the second
16 sentence.

17 18. The first sentence consists of conclusions of law, not allegations of fact to which
18 a response is required; to the extent that a response is deemed required, admit that the States have
19 such an interest but deny that it gives rise to standing here. Deny the second, third, fourth, fifth,
20 sixth, and seventh sentences. Admit the eighth sentence. Deny the ninth sentence. Admit the
21 tenth and eleventh sentences but deny that they are examples of any risks traceable to the actions
22 challenged in this case.

23 19. The first sentence consists of conclusions of law, not allegations of fact to which
24 a response is required; to the extent that a response is deemed required, admit. The second
25 sentence consists of Plaintiffs' characterization of the Settlement Agreement, to which Federal
26 Defendants respectfully refer the Court for a full and complete statement of its contents; to the
27 extent that a response is deemed required, admit.

1 20. The first sentence consists of Plaintiffs' characterization of the Amended
2 Complaint, not allegations of fact to which a response is required. The second sentence consists
3 of conclusions of law, not allegations of fact to which a response is required; to the extent that a
4 response is deemed required, admit. The third sentence consists of Plaintiffs' characterization of
5 the Settlement Agreement, to which Federal Defendants respectfully refer the Court for a full
6 and complete statement of its contents; to the extent that a response is deemed required, admit.

7 21. The first sentence consists of conclusions of law, not allegations of fact to which
8 a response is required; to the extent that a response is deemed required, admit. The second
9 sentence consists of Plaintiffs' characterization of (1) the Settlement Agreement, and (2) the
10 Temporary Modification; Federal Defendants respectfully refer the Court to those documents for
11 a full and complete statement of their contents; to the extent that a response is deemed required,
12 admit.

13 22. The first sentence consists of Plaintiffs' characterization of the Amended
14 Complaint, not allegations of fact to which a response is required. The second sentence consists
15 of Plaintiffs' characterization of the Settlement Agreement, to which Federal Defendants
16 respectfully refer the Court for a full and complete statement of its contents; to the extent that a
17 response is deemed required, admit that the Deputy Assistant Secretary was a party to the
18 Settlement Agreement.

19 23. The first sentence consists of Plaintiffs' characterization of the Amended
20 Complaint, not allegations of fact to which a response is required. The second sentence consists
21 of Plaintiffs' characterization of the Settlement Agreement, to which Federal Defendants
22 respectfully refer the Court for a full and complete statement of its contents; to the extent that a
23 response is deemed required, admit.

24 24. Federal Defendants lack knowledge or information sufficient to form a belief as
25 to the truth of the allegations in the first, second, and third sentences. The fourth sentence consists
26 of conclusions of law, not allegations of fact to which a response is required; to the extent that a
27

1 response is deemed required, Federal Defendants take no position on whether Defense
2 Distributed is a necessary party.

3 25. Federal Defendants lack knowledge or information sufficient to form a belief as
4 to the truth of the allegations in first sentence. The second sentence consists of conclusions of
5 law, not allegations of fact to which a response is required; to the extent that a response is deemed
6 required, Federal Defendants take no position on whether Second Amendment Foundation is a
7 necessary party.

8 26. Federal Defendants lack knowledge or information sufficient to form a belief as
9 to the truth of the allegations in first sentence. The second sentence consists of conclusions of
10 law, not allegations of fact to which a response is required; to the extent that a response is deemed
11 required, Federal Defendants take no position on whether Conn Williamson is a necessary party.

12 27. This paragraph consists of conclusions of law, not allegations of fact to which a
13 response is required. To the extent that a response is deemed required, admit the first sentence,
14 deny the second sentence as an incomplete characterization of 22 U.S.C. § 2751, and otherwise
15 refer the Court to the statute for a full and complete statement of its contents.

16 28. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, admit and otherwise refer
18 the Court to the statute for a full and complete statement of its contents.

19 29. This paragraph consists of conclusions of law, not allegations of fact to which a
20 response is required. To the extent that a response is deemed required, deny the first sentence,
21 deny the second and third sentences as an incomplete characterization of 22 C.F.R. § 120.10, and
22 otherwise refer the Court to the regulations for a full and complete statement of their contents.

23 30. This paragraph consists of Plaintiffs' characterization of a declaration submitted
24 in *Defense Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D. Tex.), to which Federal
25 Defendants respectfully refer the Court for a full and complete statement of its contents. To the
26 extent that a response is deemed required, admit that Plaintiffs have accurately quoted from that
27 declaration.

1 31. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, admit and otherwise
3 respectfully refer the Court to the cited provisions for a full and complete statement of their
4 contents.

5 32. This paragraph consists of conclusions of law, not allegations of fact to which a
6 response is required. To the extent that a response is deemed required, admit that Plaintiffs have
7 accurately quoted from the Executive Order.

8 33. This paragraph consists of conclusions of law, not allegations of fact to which a
9 response is required. To the extent that a response is deemed required, admit that notice is
10 required before an item is removed from the USML but deny that this requirement is implicated
11 in this case. Federal Defendants respectfully refer the Court to the cited provision for a full and
12 complete statement of its contents.

13 34. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, admit the first sentence
15 and deny the second sentence, and further respectfully refer the Court to the cited provision for
16 a full and complete statement of its contents.

17 35. The first sentence consists of conclusions of law, not allegations of fact to which
18 a response is required; to the extent that a response is deemed required, admit that ITAR contains
19 a commodity jurisdiction procedure. The second sentence consists of conclusions of law, not
20 allegations of fact to which a response is required; to the extent a response is deemed required,
21 admit. Defendants respectfully refer the Court to the cited provision for a full and complete
22 statement of its contents.

23 36. This paragraph consists of Plaintiffs' characterization of a declaration submitted
24 in *Defense Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D. Tex.), to which Federal
25 Defendants respectfully refer the Court for a full and complete statement of its contents. To the
26 extent a response is deemed required, admit.

1 37. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required; to the extent that a response is deemed required, admit that Plaintiffs have
3 accurately quoted from 22 C.F.R. § 120.4(f), and respectfully refer the Court to the cited
4 provision for a full and complete statement of its contents.

5 38. Federal Defendants lack knowledge or information sufficient to form a belief as
6 to the truth of the allegations in this paragraph.

7 39. As to the first sentence, admit that Defense Distributed posted certain CAD files
8 on DEFCAD.org in our around May 2013; Federal Defendants lack knowledge or information
9 sufficient to admit or deny the remaining allegations. As to the second sentence, admit that the
10 Liberator is a plastic firearm that contains a 6-oz piece of steel, that it is technically possible to
11 remove that piece of steel, and that doing so may render the firearm undetectable by certain walk-
12 through metal detectors.

13 40. Admit the first sentence. The second sentence consists of Plaintiffs'
14 characterization of an April 2018 court filing, to which Federal Defendants respectfully refer the
15 Court for a full and complete statement of its contents; to the extent that a response is deemed
16 required, admit that Plaintiffs have accurately quoted from such a filing. Deny the third sentence.

17 41. The first, second, third and fourth sentences consist of Plaintiffs' characterization
18 of a May 8, 2013 letter, to which Federal Defendants respectfully refer the Court for a full and
19 complete statement of its contents; to the extent a response is deemed required, admit. Admit
20 the fifth sentence.

21 42. Admit that Defense Distributed submitted a commodity jurisdiction request, to
22 which Federal Defendants respectfully refer the Court for a full and complete statements of its
23 contents. The second sentence consists of Plaintiffs' characterization of DDTC's response to the
24 commodity jurisdiction request, to which Federal Defendants respectfully refer the Court for a
25 full and complete statement of its contents; to the extent that a response is deemed required, admit
26 that the DDTC determination contained the quoted language.

1 43. This paragraph consists of Plaintiffs' characterization of DDTC's resolution of
2 Defense Distributed's commodity jurisdiction request, to which Federal Defendants respectfully
3 refer the Court for a full and complete statement of its contents; to the extent that a response is
4 deemed required, admit.

5 44. This paragraph consists of Plaintiffs' characterization of DDTC's resolution of
6 Defense Distributed's commodity jurisdiction request, to which Federal Defendants respectfully
7 refer the Court for a full and complete statement of its contents; to the extent that a response is
8 deemed required, admit that the DDTC determination contained the quoted language but
9 otherwise deny as an incomplete characterization.

10 45. This paragraph consists of Plaintiffs' characterization of certain filings in *Defense*
11 *Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D. Tex.); Federal Defendants respectfully
12 refer the Court to those filings for a full and complete statement of their contents. To the extent
13 that a response is deemed required, admit.

14 46. This paragraph consists of Plaintiffs' characterization of a filing in *Defense*
15 *Distributed v. U.S. Dep't of State*, 15-CV-372 RP (W.D. Tex.); Federal Defendants respectfully
16 refer the Court to that filing for a full and complete statement of its contents. To the extent that
17 a response is deemed required, admit that the quoted statements are contained in Federal
18 Defendants' filings in that case.

19 47. This paragraph consists of Plaintiffs' characterization of filings in *Defense*
20 *Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D. Tex.); Federal Defendants respectfully
21 refer the Court to those filings for a full and complete statement of their contents. To the extent
22 that a response is deemed required, admit that Plaintiffs have accurately quoted from the
23 declaration of Lisa Aguirre.

24 48. This paragraph consists of Plaintiffs' characterization of an opinion entered in
25 *Defense Distributed v. U.S. Dep't of State*, 15-CV-372 RP (W.D. Tex.); Federal Defendants
26 respectfully refer the Court to that opinion for a full and complete statement of its contents. To
27

1 the extent that a response is deemed required, admit that the district court accepted certain of the
2 government's arguments, and that the court's opinion included the quoted language.

3 49. This paragraph consists of Plaintiffs' characterization of an opinion entered by the
4 United States Court of Appeals for the Fifth Circuit; Federal Defendants respectfully refer the
5 Court that opinion for a full and complete statement of its contents. To the extent that a response
6 is deemed required, admit that the Fifth Circuit opinion contained the quoted language.

7 50. This paragraph consists of Plaintiffs' characterization of an order entered by the
8 United States Supreme Court; Federal Defendants respectfully refer the Court to that order for a
9 full and complete statement of its contents. To the extent that a response is deemed required,
10 admit.

11 51. This paragraph consists of Plaintiffs' characterization of filings in *Defense*
12 *Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D. Tex.); Federal Defendants respectfully
13 refer the Court to those filings for a full and complete statement of their contents. To the extent
14 that a response is deemed required, admit that Defendants moved to dismiss in April 2018, and
15 that their motion contained the quoted language.

16 52. As to the first sentence, admit that Wilson and Defense Distributed announced
17 that the case had settled several weeks after Federal Defendants filed their motion to dismiss;
18 deny any remaining allegations. The second sentence consists of Plaintiffs' characterization of
19 a news report cited in footnote 4, to which Federal Defendants respectfully refer the Court for a
20 full and complete statement of its contents; to the extent that a response is deemed required, admit
21 that the news report contained the quoted language. The third sentence consists of Plaintiffs'
22 characterization of filings in *Defense Distributed v. U.S. Dep't of State*, 1:15-CV-372 RP (W.D.
23 Tex.); Federal Defendants respectfully refer the Court to those filings for a full and complete
24 statement of their contents. To the extent that a response is deemed required, admit.

25 53. As to the first sentence, admit that the Settlement Agreement was executed on
26 June 29, 2018, and made public in July 2018; deny any additional allegations. As to the second
27 sentence, admit that Exhibit 6 is a true and correct copy of the Settlement Agreement.

1 54. This paragraph, including footnote 5, consists of Plaintiffs' characterization of the
2 Settlement Agreement, to which Federal Defendants respectfully refer the Court for a full and
3 complete statement of its contents. To the extent that a response is deemed required, admit that
4 the Settlement Agreement contains the quoted language.

5 55. This paragraph consists of Plaintiffs' characterization of the Settlement
6 Agreement, to which Federal Defendants respectfully refer the Court for a full and complete
7 statement of its contents. To the extent that a response is deemed required, admit as to the first
8 sentence that the Settlement Agreement contains the quoted language and admit as to the second
9 sentence that the Settlement Agreement applies to certain files not yet created.

10 56. This paragraph consists of Plaintiffs' characterization of the Settlement
11 Agreement, to which Federal Defendants respectfully refer the Court for a full and complete
12 statement of its contents. To the extent that a response is deemed required, deny the first sentence
13 and admit that the Settlement Agreement contains the language quoted in the second sentence.

14 57. This paragraph consists of conclusions of law, not allegations of fact to which a
15 response is required. To the extent that a response is deemed required, admit that neither the
16 House Committee on Foreign Affairs nor the Senate Committee on Foreign Relations received
17 formal notice of the Temporary Modification before it went into effect on July 27, 2018, but deny
18 that such notice was required.

19 58. This paragraph consists of Plaintiff's characterization of the Settlement
20 Agreement, to which Defendants respectfully refer the Court for a full and complete statement
21 of its contents; to the extent that a response is deemed required, deny that Federal Defendants
22 violated any applicable requirements.

23 59. Federal Defendants lack knowledge or information sufficient to form a belief as
24 to the truth of the allegations contained in this paragraph.

25 60. This paragraph consists of Plaintiffs' characterization of notices of proposed
26 rulemaking issued by the Departments of State and Commerce, to which Federal Defendants
27 respectfully refer the Court for a full and complete statement of their contents. To the extent that
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1 a response is deemed required, admit that the government issued the cited notices of proposed
2 rulemaking and that, if finalized as proposed, they would have the effect of removing the CAD
3 files at issue from USML Category I.

4 61. This paragraph, including footnote 6, consists of Plaintiffs' characterization of a
5 notice of proposed rulemaking issued by the Department of State, to which Federal Defendants
6 respectfully refer the Court for a full and complete statement of its contents, and of legal
7 conclusions, rather than allegations of fact to which a response is required. To the extent that a
8 response is deemed required, admit that Plaintiffs have accurately quoted from the State
9 Department's notice of proposed rulemaking; that the State Department's notice of proposed
10 rulemaking proposed to remove non-automatic firearms up to .50 caliber (and related technical
11 data) from the USML and the Department of Commerce's notice of proposed rulemaking
12 proposed to move them to the jurisdiction of the Department of Commerce, and that the
13 Department of Commerce's current regulations would not limit the publication of technical data
14 relating to such weapons.

15 62. This paragraph consists of Plaintiffs' characterization of a notice of proposed
16 rulemaking issued by the Department of Commerce and of various provisions of the Export
17 Administration Regulations, to which Federal Defendants respectfully refer the Court for a full
18 and complete statement of their contents, and of legal conclusions, rather than allegations of fact
19 to which a response is required. To the extent that a response is deemed required, admit only
20 that the Department of Commerce's notice of proposed rulemaking was issued the same day as
21 the Department of State's notice of proposed rulemaking and otherwise deny as an incomplete
22 characterization.

23 63. This paragraph consists of Plaintiffs' characterization of notices of proposed
24 rulemaking issued by the Departments of State and Commerce, to which Defendants respectfully
25 refer the Court for a full and complete statement of their contents. To the extent that a response
26 is deemed required, admit that the public comment period concluded on July 9, 2018.

64. This paragraph consists of Plaintiffs' characterization of the Temporary Modification, to which Federal Defendants respectfully refer the Court for a full and complete statement of its contents. To the extent that a response is deemed required, admit that Plaintiffs have accurately quoted from the Temporary Modification, which was published on July 27, 2018.

65. The first sentence consists of conclusions of law, not allegations of fact to which a response is required; to the extent that a response is deemed required, denied. Deny the second sentence. The third sentence consists of Plaintiffs' characterization of the Settlement Agreement, to which Federal Defendants respectfully refer the Court for a full and complete statement of its contents; to the extent that a response is deemed required, admit that Plaintiffs have accurately quoted from the Settlement Agreement, but otherwise deny.

66. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, deny.

67. The first and second sentences consist of conclusions of law, not allegations of fact to which a response is required; to the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents. Deny the third sentence.

68. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

69. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

70. Federal Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, other than to deny any allegations of "unlawful action" on the part of the government.

71. Denied.

1 72. This paragraph (including footnote 7) consists of conclusions of law, not
2 allegations of fact to which a response is required. To the extent that a response is deemed
3 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
4 complete statement of their contents.

5 73. This paragraph consists of conclusions of law, not allegations of fact to which a
6 response is required. To the extent that a response is deemed required, Federal Defendants
7 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

8 74. This paragraph (including footnote 8) consists of conclusions of law, not
9 allegations of fact to which a response is required. To the extent that a response is deemed
10 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
11 complete statement of their contents.

12 75. This paragraph consists of conclusions of law, not allegations of fact to which a
13 response is required. To the extent that a response is deemed required, denied.

14 76. The first sentence consists of conclusions of law, not allegations of fact to which
15 a response is required; to the extent that a response is deemed required, denied. As to the second
16 sentence, admit only that the files at issue here could be used by individuals with the appropriate
17 printer, materials, and knowledge to create certain firearms, including, potentially, in a manner
18 that violates State or Federal law. Defendants lack knowledge or information sufficient to admit
19 or deny the third sentence.

20 77. Insofar as the terms "widely available" and "widely accessible" are undefined and
21 vague, Defendants are unable to admit or deny the allegations of this paragraph.

22 78. This paragraph consists of Plaintiffs' characterization of declarations attached to
23 the Amended Complaint; Federal Defendants respectfully refer the Court to those declarations
24 for a full and complete statement of their contents.

25 79. This paragraph consists of conclusions of law, not allegations of fact to which a
26 response is required. To the extent that a response is deemed required, denied.

1 80. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 81. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 82. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

10 83. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 84. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 85. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, Federal Defendants
18 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

19 86. This paragraph consists of conclusions of law, not allegations of fact to which a
20 response is required. To the extent that a response is deemed required, Federal Defendants
21 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

22 87. This paragraph consists of conclusions of law, not allegations of fact to which a
23 response is required. To the extent that a response is deemed required, Federal Defendants
24 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

25 88. This paragraph consists of conclusions of law, not allegations of fact to which a
26 response is required. To the extent that a response is deemed required, Federal Defendants
27 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 89. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 90. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 91. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, denied.

9 92. The first sentence consists of conclusions of law, not allegations of fact to which
10 a response is required; to the extent that a response is deemed required, denied. As to the second
11 sentence, admit only that the files at issue here could be used by individuals with the appropriate
12 printer, materials, and knowledge to create certain firearms, including, potentially, in a manner
13 that violates State or Federal law. Defendants lack knowledge or information sufficient to admit
14 or deny the third sentence.

15 93. This paragraph consists of conclusions of law, not allegations of fact to which a
16 response is required. To the extent that a response is deemed required, denied.

17 94. This paragraph consists of conclusions of law, not allegations of fact to which a
18 response is required. To the extent that a response is deemed required, Federal Defendants
19 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

20 95. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants
22 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

23 96. This paragraph consists of conclusions of law, not allegations of fact to which a
24 response is required. To the extent that a response is deemed required, Federal Defendants
25 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

26 97. The first sentence consists of conclusions of law, not allegations of fact to which
27 a response is required; to the extent that a response is deemed required, denied. As to the second

1 sentence, admit only that the files at issue here could be used by individuals with the appropriate
2 printer, materials, and knowledge to create certain firearms, including, potentially, in a manner
3 that violates State or Federal law. Defendants lack knowledge or information sufficient to admit
4 or deny the third sentence.

5 98. The first, second, and third sentences consist of conclusions of law, not allegations
6 of fact to which a response is required; to the extent that a response is deemed required, Federal
7 Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of
8 their contents. As to the fourth sentence, admit only that the files at issue here could be used by
9 individuals with the appropriate printer, materials, and knowledge to create certain firearms
10 including, potentially, in a manner that violates State or Federal law; Federal Defendants lack
11 knowledge or information sufficient to form a belief as to the truth of the remaining allegations.

12 99. This paragraph consists of conclusions of law, not allegations of fact to which a
13 response is required. To the extent that a response is deemed required, Federal Defendants
14 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

15 100. This paragraph consists of conclusions of law, not allegations of fact to which a
16 response is required. To the extent that a response is deemed required, Federal Defendants
17 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

18 101. This paragraph consists of conclusions of law, not allegations of fact to which a
19 response is required. To the extent that a response is deemed required, Federal Defendants
20 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

21 102. This paragraph consists of conclusions of law, not allegations of fact to which a
22 response is required. To the extent that a response is deemed required, Federal Defendants
23 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

24 103. This paragraph consists of conclusions of law, not allegations of fact to which a
25 response is required. To the extent that a response is deemed required, Federal Defendants
26 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 104. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 105. This paragraph (including footnote 9) consists of conclusions of law, not
5 allegations of fact to which a response is required. To the extent that a response is deemed
6 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
7 complete statement of their contents.

8 106. The first and second sentences consist of conclusions of law, not allegations of
9 fact to which a response is required; to the extent that a response is deemed required, denied. As
10 to the third sentence, admit only that the files at issue here could be used by individuals with the
11 appropriate printer, materials, and knowledge to create certain firearms, including, potentially, in
12 a manner that violates State or Federal law. Defendants lack knowledge or information sufficient
13 to form a belief as to the fourth sentence.

14 107. This paragraph consists of conclusions of law, not allegations of fact to which a
15 response is required. To the extent that a response is deemed required, Federal Defendants
16 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

17 108. This paragraph consists of conclusions of law, not allegations of fact to which a
18 response is required. To the extent that a response is deemed required, Federal Defendants
19 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

20 109. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants
22 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

23 110. This paragraph consists of conclusions of law, not allegations of fact to which a
24 response is required. To the extent that a response is deemed required, Federal Defendants
25 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
26
27

111. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

112. This paragraph (including footnote 10) consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

113. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

114. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

115. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

116. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

117. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

118. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 119. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 120. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 121. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents,
10 and otherwise deny that these laws are undermined by the actions challenged here.

11 122. This paragraph consists of conclusions of law, not allegations of fact to which a
12 response is required. To the extent that a response is deemed required, Federal Defendants
13 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

14 123. This paragraph consists of conclusions of law, not allegations of fact to which a
15 response is required. To the extent that a response is deemed required, Federal Defendants
16 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

17 124. This paragraph consists of conclusions of law, not allegations of fact to which a
18 response is required. To the extent that a response is deemed required, Federal Defendants
19 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

20 125. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants
22 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

23 126. This paragraph consists of conclusions of law, not allegations of fact to which a
24 response is required. To the extent that a response is deemed required, Federal Defendants
25 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

26 127. This paragraph consists of conclusions of law, not allegations of fact to which a
27 response is required. To the extent that a response is deemed required, Federal Defendants

1 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents,
2 and otherwise deny that these laws are nullified by the actions challenged here.

3 128. This paragraph consists of conclusions of law, not allegations of fact to which a
4 response is required. To the extent that a response is deemed required, Federal Defendants
5 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

6 129. This paragraph (including footnote 11) consists of conclusions of law, not
7 allegations of fact to which a response is required. To the extent that a response is deemed
8 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
9 complete statement of their contents.

10 130. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 131. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 132. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, denied.

18 133. The first sentence consists of conclusions of law, not allegations of fact to which
19 a response is required. To the extent that a response is deemed required, denied. As to the second
20 sentence, admit only that the files at issue here could be used by individuals with the appropriate
21 printer, materials, and knowledge to create certain firearms, including, potentially, in a manner
22 that violates State or Federal law. Federal Defendants lack knowledge or information sufficient
23 to admit or deny the third sentence. The fourth sentence consists of conclusions of law, not
24 allegations of fact to which a response is required; to the extent that a response is deemed
25 required, denied.

1 134. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 135. Insofar as "source of growing concern" is undefined and vague, Federal
5 Defendants are unable to admit or deny the allegations of the first sentence. Federal Defendants
6 lack knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained in the second, third, and fourth sentences.

8 136. Insofar as the first sentence refers to a "problem" that is undefined and vague,
9 Federal Defendants lack knowledge or information sufficient to admit or deny this sentence. The
10 second sentence consists of conclusions of law, not allegations of fact to which a response is
11 required. To the extent that a response is deemed required, Federal Defendants respectfully refer
12 the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 137. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 138. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, Federal Defendants
18 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

19 139. As to the first sentence, admit only that the files at issue here could be used by
20 individuals with the appropriate printer, materials, and knowledge to create certain firearms,
21 including, potentially, in a manner that violates State or Federal law. The second sentence
22 consists of conclusions of law, not allegations of fact to which a response is required; to the extent
23 that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs'
24 laws for a full and complete statement of their contents.

25 140. This paragraph consists of conclusions of law, not allegations of fact to which a
26 response is required. To the extent that a response is deemed required, Federal Defendants
27 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 141. Federal Defendants lack knowledge or information sufficient to form a belief as
2 to the truth of the allegations contained in this paragraph.

3 142. This paragraph consists of conclusions of law, not allegations of fact to which a
4 response is required. To the extent that a response is deemed required, Federal Defendants
5 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

6 143. Federal Defendants lack knowledge or information sufficient to form a belief as
7 to the truth of the allegations contained in this paragraph.

8 144. This paragraph consists of conclusions of law, not allegations of fact to which a
9 response is required. To the extent that a response is deemed required, Federal Defendants
10 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

11 145. This paragraph consists of conclusions of law, not allegations of fact to which a
12 response is required. To the extent that a response is deemed required, admit only that the files
13 at issue here could be used by individuals with the appropriate printer, materials, and knowledge
14 to create certain firearms, including, potentially, in a manner that violates State or Federal law.

15 146. This paragraph consists of conclusions of law, not allegations of fact to which a
16 response is required. To the extent that a response is deemed required, Federal Defendants
17 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

18 147. The first sentence consists of conclusions of law, not allegations of fact to which
19 a response is required. To the extent that a response is deemed required, Federal Defendants
20 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
21 As to the second sentence, admit that the files at issue here could be used by individuals with the
22 appropriate printer, materials, and knowledge to create certain firearms, including, potentially, in
23 a manner that violates State or Federal law.

24 148. This paragraph consists of conclusions of law, not allegations of fact to which a
25 response is required. To the extent that a response is deemed required, Federal Defendants
26 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
27

1 149. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 150. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 151. Deny the first sentence. As to the second sentence, admit only that the files at
8 issue here could be used by individuals with the appropriate printer, materials, and knowledge to
9 create certain firearms, including, potentially, in a manner that violates State or Federal law.
10 Federal Defendants lack knowledge or information sufficient to form a belief as to the truth of
11 the allegations contained in the third sentence. Admit only that the events described in sentences
12 four and five occurred. Insofar as the term "recent history" is undefined and vague, Federal
13 Defendants lack knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained in the sixth sentence.

15 152. The first sentence consists of conclusions of law, not allegations of fact to which
16 a response is required; to the extent that a response is deemed required, Federal Defendants
17 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
18 Deny the second sentence. The third sentence consists of conclusions of law, not allegations of
19 fact to which a response is required; to the extent that a response is deemed required, denied.

20 153. The first, second, third, and fourth sentences consist of conclusions of law, not
21 allegations of fact to which a response is required; to the extent that a response is deemed
22 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
23 complete statement of their contents. Deny the fifth sentence.

24 154. The first sentence consists of conclusions of law, not allegations of fact to which
25 a response is required; to the extent that a response is deemed required, Federal Defendants
26 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
27 Deny the second and third sentences.

1 155. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents
4 with respect to the first sentence and deny the second sentence.

5 156. Deny the first and second sentences. Federal Defendants lack knowledge or
6 information sufficient to form a belief as to the truth of the third sentence. As to the fourth
7 sentence, admit only that 3D-printed firearms generally include non-metallic components, which
8 may prevent them from being detected by certain security equipment. Deny the fifth sentence.

9 157. Federal Defendants lack knowledge or information sufficient to form a belief as
10 to the truth of the allegations contained in the first sentence. The remainder of the paragraph
11 consists of conclusions of law, not allegations of fact to which a response is required; to the extent
12 that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs'
13 laws for a full and complete statement of their contents..

14 158. This paragraph consists of conclusions of law, not allegations of fact to which a
15 response is required. To the extent that a response is deemed required, Federal Defendants
16 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

17 159. This paragraph consists of conclusions of law, not allegations of fact to which a
18 response is required. To the extent that a response is deemed required, Federal Defendants
19 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

20 160. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants
22 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

23 161. This paragraph consists of conclusions of law, not allegations of fact to which a
24 response is required. To the extent that a response is deemed required, Federal Defendants
25 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.
26
27

1 162. As to the first sentence, admit only that the files at issue here could be used by
2 individuals with the appropriate printer, materials, and knowledge to create certain firearms,
3 including, potentially, in a manner that violates State or Federal law. Deny the second sentence.

4 163. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is requested. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 164. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

10 165. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 166. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 167. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, Federal Defendants
18 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

19 168. Denied.

20 169. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants
22 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

23 170. This paragraph (including footnote 12) consists of conclusions of law, not
24 allegations of fact to which a response is required. To the extent that a response is deemed
25 required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and
26 complete statement of their contents.

171. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

172. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

173. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

174. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

175. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

176. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

177. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, denied.

178. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

179. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 180. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 181. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 182. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

10 183. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 184. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 185. Defendants lack knowledge or information sufficient to admit or deny what
17 constitutes threats to public safety in Minnesota. Deny the second sentence.

18 186. This paragraph consists of conclusions of law, not allegations of fact to which a
19 response is required. To the extent that a response is deemed required, Federal Defendants
20 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

21 187. This paragraph consists of conclusions of law, not allegations of fact to which a
22 response is required. To the extent that a response is deemed required, Federal Defendants
23 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

24 188. This paragraph consists of conclusions of law, not allegations of fact to which a
25 response is required. To the extent that a response is deemed required, Federal Defendants
26 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

189. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

190. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

191. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

192. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

193. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

194. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

195. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, denied.

196. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

197. This paragraph consists of conclusions of law, not allegations of fact to which a response is required. To the extent that a response is deemed required, Federal Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 198. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 199. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 200. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

10 201. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 202. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 203. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, Federal Defendants
18 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

19 204. The first sentence consists of conclusions of law, not allegations of fact to which
20 a response is required; to the extent that a response is deemed required, denied. As to the second
21 and third sentence, admit only that the files at issue here could be used by individuals with the
22 appropriate printer, materials, and knowledge to create certain firearms, including, potentially, in
23 a manner that violates State or Federal law. The fourth sentence consists of legal conclusions,
24 not allegations of fact to which a response is required; to the extent that a response is deemed
25 required, denied.

1 205. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 206. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 207. This paragraph consists of conclusions of law, not allegations of fact to which a
8 response is required. To the extent that a response is deemed required, Federal Defendants
9 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

10 208. This paragraph consists of conclusions of law, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants
12 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

13 209. This paragraph consists of conclusions of law, not allegations of fact to which a
14 response is required. To the extent that a response is deemed required, Federal Defendants
15 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

16 210. Federal Defendants lack knowledge or information sufficient to form a belief as
17 to the allegations contained in the first sentence. The second sentence consists of conclusions of
18 law, not allegations of fact to which a response is required; to the extent that a response is deemed
19 required, denied.

20 211. This paragraph consists of conclusions of law, not allegations of fact to which a
21 response is required. To the extent that a response is deemed required, Federal Defendants deny
22 the second clause of the first sentence, deny the third sentence, and otherwise respectfully refer
23 the Court to Plaintiffs' laws for a full and complete statement of their contents.

24 212. This paragraph consists of conclusions of law, not allegations of fact to which a
25 response is required. To the extent that a response is deemed required, Federal Defendants
26 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

1 213. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants
3 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

4 214. This paragraph consists of conclusions of law, not allegations of fact to which a
5 response is required. To the extent that a response is deemed required, Federal Defendants
6 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

7 215. The first, second, and third sentences consist of conclusions of law, not allegations
8 of fact to which a response is required; to the extent that a response is deemed required, Federal
9 Defendants respectfully refer the Court to Plaintiffs' laws for a full and complete statement of
10 their contents. Deny the fourth sentence.

11 216. This paragraph consists of conclusions of law, not allegations of fact to which a
12 response is required. To the extent that a response is deemed required, Federal Defendants
13 respectfully refer the Court to Plaintiffs' laws for a full and complete statement of their contents.

14 217. The first sentence consists of conclusions of law, not allegations of fact to which
15 a response is required; to the extent that a response is deemed required, denied. As to the second
16 sentence, admit only that the files at issue here could be used by individuals with the appropriate
17 printer, materials, and knowledge to create certain firearms, including, potentially, in a manner
18 that violates State or Federal law.

19 218. Federal Defendants repeat and incorporate by reference their responses to all
20 preceding paragraphs.

21 219. This paragraph consists of conclusions of law, not allegations of fact to which a
22 response is required. To the extent that a response is deemed required, admit that 5 U.S.C. § 706
23 contains the quoted language, and otherwise refer the Court to the statute for a full and complete
24 statement of its contents.

25 220. This paragraph consists of conclusions of law, not allegations of fact to which a
26 response is required. To the extent that a response is deemed required, denied.

1 221. This paragraph consists of conclusions of law, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, denied.

3 222. Admit that Federal Defendants did not provide formal advance notice of the
4 Temporary Modification to the House Committee on Foreign Affairs and to the Committee on
5 Foreign Relations of the Senate; otherwise deny.

6 223. This paragraph consists of Plaintiffs' characterization of a press release issued by
7 Representative Eliot Engel; Federal Defendants respectfully refer the Court to that press release
8 for a full and complete statement of its contents.

9 224. This paragraph consists of conclusions of law, not allegations of fact to which a
10 response is required. To the extent that a response is deemed required, denied.

11 225. This paragraph consists of conclusions of law, not allegations of fact to which a
12 response is required. To the extent that a response is deemed required, admit that 22 C.F.R.
13 § 126.2 contains the quoted language but otherwise deny as an incomplete characterization of
14 that provision.

15 226. Deny that Federal Defendants have made no determination that the challenged
16 actions are in the security and foreign policy interest of the United States; the remaining
17 allegations of this paragraph consist of legal conclusions, not allegations of fact to which a
18 response is required. To the extent that a response is deemed required, denied.

19 227. This paragraph consists of conclusions of law, not allegations of fact to which a
20 response is required. To the extent that a response is deemed required, denied.

21 228. This paragraph consists of a request for relief, not allegations of fact to which a
22 response is required. To the extent that a response is deemed required, Federal Defendants deny
23 that Plaintiffs are entitled to this relief or any relief whatsoever.

24 229. Federal Defendants repeat and incorporate by reference their responses to all
25 preceding paragraphs.

26 230. This paragraph consists of conclusions of law, not allegations of fact to which a
27 response is required. To the extent that a response is deemed required, admit that 5 U.S.C. § 706

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1 contains the quoted language, and otherwise refer the Court to the statute for a full and complete
2 statement of its contents.

3 231. Admit that Federal Defendants did not provide formal advance notice of the
4 Temporary Modification to the House Committee on Foreign Affairs and to the Committee on
5 Foreign Relations of the Senate; otherwise deny.

6 232. This paragraph consists of conclusions of law, not allegations of fact to which a
7 response is required. To the extent that a response is deemed required, denied.

8 233. This paragraph consists of conclusions of law, not allegations of fact to which a
9 response is required. To the extent that a response is deemed required, denied.

10 234. This paragraph consists of a request for relief, not allegations of fact to which a
11 response is required. To the extent that a response is deemed required, Federal Defendants deny
12 that Plaintiffs are entitled to this relief or any relief whatsoever.

13 235. Federal Defendants repeat and incorporate by reference their responses to all
14 preceding paragraphs.

15 236. This paragraph consists of conclusions of law, not allegations of fact to which a
16 response is required. To the extent that a response is deemed required, admit that Plaintiffs have
17 accurately quoted portions of 5 U.S.C. § 706, and otherwise refer the Court to the statute for a
18 full and complete statement of its contents.

19 237. This paragraph consists of conclusions of law, not allegations of fact to which a
20 response is required. To the extent that a response is deemed required, admit that Plaintiffs have
21 identified certain relevant considerations when a court is reviewing agency action under the
22 Administrative Procedure Act, and otherwise refer the Court to the statute for a full and complete
23 statement of its contents.

24 238. Denied.

25 239. This paragraph consists of conclusions of law, not allegations of fact to which a
26 response is required. To the extent that a response is deemed required, denied.

1 240. This paragraph consists of a request for relief, not allegations of fact to which a
2 response is required. To the extent that a response is deemed required, Federal Defendants deny
3 that Plaintiffs are entitled to this relief or any relief whatsoever.

4 241. Federal Defendants repeat and incorporate by reference their responses to all
5 preceding paragraphs.

6 242. This paragraph consists of conclusions of law, not allegations of fact to which a
7 response is required. To the extent that a response is deemed required, admit that certain police
8 powers are reserved to the States.

9 243. This paragraph consists of conclusions of law, not allegations of fact to which a
10 response is required. To the extent that a response is deemed required, denied as an incomplete
11 statement of relevant doctrine.

12 244. This paragraph consists of conclusions of law, not allegations of fact to which a
13 response is required. To the extent that a response is deemed required, Defendants respectfully
14 refer the Court to the Temporary Modification for a full and complete statement of its contents,
15 and otherwise deny.

16 245. This paragraph consists of conclusions of law, not allegations of fact to which a
17 response is required. To the extent that a response is deemed required, denied.

18 246. This paragraph consists of conclusions of law, not allegations of fact to which a
19 response is required. To the extent that a response is deemed required, admit only that the
20 Temporary Modification was issued on July 27, 2018, and otherwise deny.

21 247. This paragraph consists of a request for relief, not allegations of fact to which a
22 response is required. To the extent that a response is deemed required, Federal Defendants deny
23 that Plaintiffs are entitled to this relief or any relief whatsoever.

24 The remainder of the Amended Complaint consists of a request for relief, not allegations
25 of fact to which a response is required. To the extent that a response is deemed required, Federal
26 Defendants deny that Plaintiffs are entitled to this relief or any relief whatsoever.

AFFIRMATIVE DEFENSES

1. The Court lacks subject matter jurisdiction.
2. Plaintiff fails to state a claim on which relief may be granted.

THEREFORE, having fully answered, Federal Defendants assert that Plaintiffs are not entitled to the relief requested, or to any relief whatsoever, and request that this action be dismissed with prejudice and that Federal Defendants be given such other relief as the Court deems just and proper. Each and every allegation of the Amended Complaint not heretofore expressly admitted or denied is hereby denied.

Dated: October 9, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I electronically filed the foregoing document using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: October 9, 2018

/s/ Steven A. Myers

Steven A. Myers